

AMENDED IN ASSEMBLY APRIL 15, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1358**

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**Introduced by Assembly Member Fong**

February 22, 2013

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An act to amend Section 76060.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1358, as amended, Fong. Student body association: student representation fee.

Existing law authorizes the governing board of a community college district to authorize the students of a college to organize a student body association to encourage students to participate in the governance of the college and conduct any activities, including fundraising activities. Existing law authorizes *the governing body of* a student body association to order an election be held to establish a student representation fee of \$1 per semester, collected by officials of the community college at or before registration, *and requires an affirmative vote of  $\frac{2}{3}$  of the students voting in the election to establish the fee.*

This bill would instead authorize the election to establish the fee in the amount of \$2, *would require an affirmative vote of a majority of the students voting in the election to establish the student representation fee*, and would, *for a student representation fee adopted on or after January 1, 2014*, require  ~~$\frac{1}{2}$~~  \$1 of the \$2 student representation fee to be expended to establish and support the operations of an independent statewide community college student organization, recognized by the Board of Governors of the California Community Colleges, with governmental affairs representatives to advocate before the Legislature

and other state and local governmental entities. *The bill would, for a student representation fee adopted before January 1, 2014, provide that the student body association shall retain authority to continue to receive the \$1 student representation fee, and authorize the student body association to conduct an election to instead adopt a \$2 student representation fee, as described above.* To the extent that this additional requirement would impose new collection duties on the community colleges, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 76060.5 of the Education Code is  
2 amended to read:  
3 76060.5. (a) If a student body association has been established  
4 at a community college as authorized by Section 76060, the  
5 governing body of the association may order that an election be  
6 held for the purpose of establishing a student representation fee  
7 of two dollars (\$2) per semester. The election shall be held in  
8 compliance with regulations of the Board of Governors of the  
9 California Community Colleges and shall be open to all regularly  
10 enrolled students of the community college. The affirmative vote  
11 of ~~two-thirds~~ a majority of the students voting in the election shall  
12 be sufficient to establish the fee. However, the election shall not  
13 be sufficient to establish the fee unless the number of students who  
14 vote in the election equals or exceeds the average of the number  
15 of students who voted in the previous three student body  
16 association elections.  
17 (b) The student representation fee authorized by this section  
18 shall be collected by the officials of the community college,  
19 together with all other fees, at the time of registration or before  
20 registration and shall be deposited in a separate fiduciary fund  
21 established per the California Community Colleges Budget and  
22 Accounting Manual for student representation fees. The money

collected pursuant to this section shall be expended to provide for the support of governmental affairs representatives who may be stating their positions and viewpoints before city, county, and district governments, and before offices and agencies of the state government.

(c) ~~Fifty cents (\$0.50) of every one~~ One dollar (\$1) of every two-dollar (\$2) fee collected shall be expended to establish and support the operations of an independent statewide community college student organization, recognized by the Board of Governors of the California Community Colleges, with governmental affairs representatives to advocate before the Legislature and other state and local governmental entities. *This subdivision shall only apply to student representation fees adopted on or after January 1, 2014.*

(d) *Notwithstanding subdivision (c), a student body association that adopted a student representation fee before January 1, 2014, shall retain authority to continue to receive the one-dollar (\$1) fee as authorized pursuant to this section as it read prior to January 1, 2014. The student body association may conduct an election pursuant to subdivision (a) to adopt a revised student representation fee. If an election conducted pursuant to subdivision (a) establishes the revised student representation fee, then one dollar (\$1) of every two-dollar (\$2) fee collected shall be expended as described in subdivision (c).*

~~(d)~~  
(e) The chief fiscal officer of the community college shall have custody of the money collected pursuant to this section and the money shall be disbursed for the purposes described above upon the order of the governing body of the student body association. The *community college* district may retain a portion of the fees collected and deposited pursuant to this section that is equal to the actual cost of administering these fees up to, but not more than, 7 percent.

~~(e)~~  
(f) The student representation fee authorized by this section may be terminated by a majority vote of the students voting in an election held for that purpose. The election shall be called and held in compliance with regulations of the Board of Governors of the California Community Colleges and shall be open to all regularly enrolled students of the community college.

~~(f)~~

1 (g) A student may, for religious, political, financial, or moral  
2 reasons, refuse to pay the student representation fee established  
3 under this section. The refusal shall be submitted in writing to the  
4 *community* college officials at the time the student pays other fees  
5 collected by the *community* college officials. The refusal shall be  
6 submitted on the same form that is used for collection of fees as  
7 provided by the *community* college, which, as determined by the  
8 *community* college, shall be as nearly as practical in the same form  
9 as a model form prescribed by regulations of the Board of  
10 Governors of the California Community Colleges.

11 SEC. 2. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 a local agency or school district has the authority to levy service  
14 charges, fees, or assessments sufficient to pay for the program or  
15 level of service mandated by this act, within the meaning of Section  
16 17556 of the Government Code.